

EAST PENNSBORO AUTHORITY
NOVEMBER 21, 2019

Regular Meeting

6:30 p.m.

A Regular Meeting of the East Pennsboro Authority was held on Thursday, November 21, 2019, at 6:30 p.m. at the Community and Municipal Center, 98 S. Enola Drive, Enola, Pennsylvania.

Those present were: Commissioners George Tyson and Kristy Magaro, Dr. Glenn Zehner, and Mario Billow, members of the Authority; Lisa M. Coyne, Esquire, Solicitor; John Pietropaoli, Township Manager; Jared Hockenberry, Township Engineer; Ed Myers, WWTP; and Benjamin Ried, Eckert, Seamans, Cherin & Mellott, LLC; and Robert Coyne, Coyne & Coyne, P.C.

I. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Chairman Tyson. A moment of silent meditation was observed for the township residents whose duplex in West Fairview burned this evening, followed by the Pledge of Allegiance to the Flag.

II. PUBLIC COMMENT

Mr. Mickey Schuler, 332 Belle Vista Drive, addressed the board regarding the fee study. He asked what the study cost, and whether the consultant drew the same study for other communities. Mr. Dill noted they have done studies for other townships, but each one is specific to the needs of the municipality. Mr. Schuler noted East Pennsboro is paying a fee for a study as well as Lower Allen, Lower Paxton, every community around the mid-State, and asked why there was not a coordinated effort to provide a study for the region which costs would be shared by multiple municipalities.

Chairman Tyson stated each municipality is charged with coming up with their own MS4 plan and providing the infrastructure necessary to implement it. Chairman Tyson noted the Authority carefully chose a consultant to make sure the study would be specific and unique to East Pennsboro so the MS4 requirements could be addressed properly. East Pennsboro is at the beginning of their process and has not determined the exact cycle on the billing, but it is likely that the billing will start the second quarter of 2020.

Mr. Paul Huffman, 7 Weatherburn Road, questioned whether the study would look at Shaffer field and its effects on residents downstream where a lot of yards flood.

Chairman Tyson recapped that the township made a conscious effort in prior years not to jump into the MS4 stormwater management until necessary. There were projects where the township's permit with DEP did not dictate that it needed to be an early adopter of MS4, and the township decided to learn from what neighboring

communities were doing. This Authority has been in place for six months and is in the process of formulating and determining how to properly address those needs. Fees have been not determined yet, as well as what types of services will be under the auspices of the Authority and what things will be under East Pennsboro Township. He noted input from the public is welcome as the Authority puts together the plan for the township with the help of a consultant.

III. CONSULTANT UPDATE

Mr. Hockenberry presented Mr. Tony Dill, program manager with ARCADIS, the Authority's consultant, to present the fee study in a public forum, which has been advertised in a newsletter and in the sewer bills. Mr. Dill reviewed the fee study for the public and answered questions about capping the credit at 50 percent, at \$44 per year for the credit cap. He noted many communities do not have residential credits because the potential savings will not incentivize homeowners to do much, especially with a credit cap of \$44. Mr. Schuler questioned how a townhome will get charged the same as a property with several acres. Mr. Dill noted if they have individual tax parcels they will be charged as residential single-family properties, per the county tax parcel map. They digitized the common areas of the townhouses and did calculations, which showed it is not all that different from a typical residence, as it is a fee based on impervious value. An apartment building would be a commercial entity. Mr. Hockenberry answered questions about the rebates for commercial properties.

Mr. Huffman suggested there be more education for township residents so homeowners can help reduce runoff from their properties. Mr. Billow noted the EAC had an article in the newsletter about different types of vegetation residents can plant to slow down runoff from their property. Mr. Hockenberry stated there will be more articles in the newsletters for residents, as well as the township is reviewing all of their ordinances to see where they can make changes that might help with runoff.

IV. PENNVEST REPORT

Mr. Benjamin Ried reviewed that the township enacted a guarantee ordinance last month, which is a requirement for the \$500,000.00 PennVest loan. The closing date is set for January 7.

He presented two resolutions. The first resolution authorizes the issuance of a guaranteed stormwater revenue note, authorizing the Authority in all actions, signatures required to close on the PennVest loan. It enters the Authority into a guarantee agreement with PennVest and the township. The second resolution would allow the Authority to draw on the PennVest loan to pay back any township loan, grant, or funds

Ms. Coyne reviewed a third resolution as a result of action last night at the Board of Commissioners where they adopted a resolution allowing the transfer of the ownership of the stormwater facilities to the Authority. The Authority now has to accept ownership of the transfer assignments of all rights. The Authority cannot be granted a PennVest loan unless it owns facilities.

V. ITEMS FOR DISCUSSION AND APPROVAL

MOTION to adopt East Pennsboro Authority Resolution no. 3, accepting the transfer, conveyance and assignment of all rights and title in the stormwater system of the Township of East Pennsboro, Cumberland County, Pennsylvania; and authorizing a management agreement with the Township related to the stormwater system, was made by Dr. Zehner, seconded by Mr. Billow, and was carried by a unanimous aye vote.

MOTION to adopt East Pennsboro Authority Resolution no. 4, authorizing the issuance of a guaranteed stormwater revenue note in the maximum principal amount of \$500,000.00, to be designated the "debt obligation," to the Pennsylvania Infrastructure Investment Authority (PennVest), to: (1) finance start-up costs for the implementation of a stormwater management program, and (2) pay related expenses; approving the form, terms, and execution of a funding agreement and related documents and agreements (collectively, the "Funding Documents"); approving the form and execution of a guaranty agreement by and among the Authority, PennVest, and the Township of East Pennsboro, and approving all other actions required to issue and secure the debt obligation, was made by Ms. Magaro, seconded by Mr. Billow stated, and was carried by a unanimous aye vote.

MOTION to adopt Resolution of Intent to Reimburse Authority Funds used to pay project costs in conjunction with a PennVest loan was made by Dr. Zehner, seconded by Ms. Magaro, and was carried by a unanimous aye vote.

MOTION to set and advertise the 2020 meetings of the Authority for the third Thursday of each month at 6:30 p.m., was made by Ms. Magaro, seconded by Mr. Billow, and was carried by a unanimous aye vote.

VI. DIRECTOR OF PUBLIC WORKS REPORT

Mr. Hockenberry informed the board that one part of the PennVest call is adding the Authority to the township's liability insurance, which can be done outside of Authority meetings.

Ms. Coyne noted that they will now be formalizing the actual ownership of the stormwater facilities by way of a deed. This resolution tonight allows the appropriate

execution of those associated documents that will be on record at the courthouse. They will be in position for execution by the Board of Commissioners and the Authority granting it and accepting it.

Ms. Coyne further noted that now that the Authority owns the facilities, there will need to be coordination with the township on how to operate the facilities. She provided the board with a proposed operating agreement showing how the reimbursement will be a pass-through cost because this Authority will be utilizing township employees to facilitate and implement the program. The Authority will be collecting a fee through the rates and then compensating the township for services. At the next meeting in December the Authority will be looking at adopting the budget, setting the rate, adopting an operating agreement, along with conveyance of deeds.

MOTION to adjourn the meeting at 8:00 p.m., was made by Ms. Magaro, seconded by Mr. Billow, and was carried by a unanimous aye vote.